

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 64 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA. and  
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

1 to 5: No

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COMMISSIONER OF WEALTH TAX

Versus

SHETH AMBALAL HIMATLAL

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Appearance:

MR BB NAIK for MR MANISH R BHATT for Petitioner

MR MANISH J SHAH for MR JP SHAH for Respondent No. 1

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CORAM : MR.JUSTICE R.BALIA. and

MR.JUSTICE A.R.DAVE

Date of decision: 11/05/99

ORAL JUDGEMENT (per R. Balia, J.)

Heard learned counsel for the parties.

The Income Tax Appellate Tribunal Ahmedabad Bench  
'A' has referred the following question of law for our

opinion u/s 27(1) of the Wealth-tax Act, 1957 for the Assessment Year 1977-78.

"Whether on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal has been right in law in confirming the order of the A.A.C. in deducting the addition of Rs. 1,98,226 included by the WTO in the taxable wealth of the assessee?"

It has been pointed out that in assessee's own case the very same question in earlier years was subject-matter of W.T.R. No. 31/82 which has been decided and answered in favour of the assessee affirming the decision of the Tribunal by following earlier decision of the Court also in the case of the assessee in W.T.R. No. 24A & 24B of 1980 decided on 29.1.1993.

In W.T.R. No. 31/82 the Tribunal had referred the following question.

"Whether on the facts and in the circumstances of the case the amount of Rs. 1,98,226 can be included in the net wealth of the assessee for the assessment year in question?"

As will appear, the very same question has been referred for the assessment year in question involving the same sum about its includibility in the net wealth of the assessee.

In the aforesaid circumstances, following the aforesaid decision, we answer the question referred to us in affirmative, that is to say, in favour of assessee and against the revenue.

There shall be no order as to costs.

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